

FILED

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

MAY 13 2016

for the

District of New Mexico

United States of America)

v.)

Anthony Lee GAMBINO)

Case No. 16mj 2216)

MATTHEW J. DYKMAN
CLERK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 12, 2016 in the county of San Juan in the
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*Title 18, United States Code,
Sections 922(g)(1)

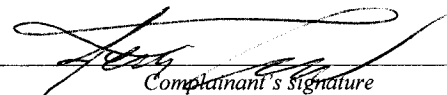
Possession of a Firearm or Ammunition by a convicted felon.

Title 18, United States Code,
Section 704 (b)

Military Medals or Decorations (Fraudulent Representations about Receipt of)

This criminal complaint is based on these facts:

See attached Affidavit


☒ Continued on the attached sheet.

Complainant's Signature

Jeremy Leatherwood, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: May 13, 2016City and state: Albuquerque, New Mexico

Judge's signature

Kirtan Khalsa

Steve Yarbrough, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

United States of America

v.

Anthony Lee GAMBINO

Defendant.

AFFIDAVIT

I, Jeremy Leatherwood, being duly sworn, hereby depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the Department of Homeland Security, U.S. Immigration & Customs Enforcement (ICE), Homeland Security Investigations (HSI), and have been employed by HSI as such since March 2010. Prior to that, I was a Police Officer and Homicide Detective with Dekalb County Police Department in Georgia. I am currently assigned to HSI Albuquerque, where it is your affiant's duties to investigate violations of Immigrations and Customs laws, which include financial crimes, narcotics investigations, false and fraudulent use of identification documents, Firearms violations, Customs Firearms export violations, and other violations of the United States Code of Title 8 and Title 18.
2. I successfully completed eleven weeks of Criminal Investigator Training at the Federal Law Enforcement Training Center (FLETC). In addition, I completed thirteen weeks of Special Agent Training with Department of Homeland Security, U.S. Immigration & Customs Enforcement (ICE) Homeland Security Investigations (HSI), also at FLETC. I have received various trainings in investigating and enforcing Immigration and Customs laws.
3. The information contained in this affidavit is not an exhaustive account of everything your affiant knows about this case. Rather, it contains only the facts that your affiant believes are necessary to establish probable cause in support of a criminal complaint against Anthony Lee GAMBINO for violation of Title 18, United States Code, Sections 922(g)(1), Possession of a Firearm by a Convicted Felon, and Title 18, United States Code, Section 704(b), Military Medals and Decorations.

4. The information contained within the affidavit is based on my training and experience, as well as information imparted to me by other law enforcement officers involved in this investigation.

RELEVANT STATUTES

5. This investigation concerns alleged violations of Title 18, United States Code, Section 922(g)(1) Possession of a Firearm or Ammunition by a convicted felon.
6. 18 U.S.C. § 922(g)(1) prohibits possession of a Firearm or Ammunition by a convicted felon.
7. This investigation concerns alleged violations of Title 18, United States Code, Section 704, Military Medals and Decorations.
8. 18 U.S.C. § 704(b) prohibits one with intent to obtain money, property, or other tangible benefit to fraudulently hold oneself out by falsely claiming to be a recipient of a decoration or medal described in subsection (c)(2) or (d).

DETAILS OF INVESTIGATION

9. On January 14, 2016, HSI Special Agent Leatherwood met with the San Juan County Sheriff Department (SJSO) in reference to Anthony GAMBINO who is a convicted felon owning and operating Gambino Security Safety Corp which is a Security Company based in Aztec, New Mexico.
10. SJSO advised that Anthony Lee GAMBINO (formerly known as Anthony Lee MARTINEZ) had approached them in 2015 in reference to filming a training video with the SJSO SWAT team. SJSO agreed and a short video was made and put on "You Tube". Further internet checks revealed that GAMBINO also had a commercial video produced advertising his company, Gambino Security Safety Corp, and the video was uploaded to the internet. GAMBINO is advertising several different types of tactical and firearms training. The video also indicates that GAMBINO may be conducting overseas training to Middle Eastern individuals. Most of the videos show GAMBINO with what appears to be an AR-15 assault rifle as well as holstered side arms or hand guns. A Facebook check also revealed several pictures of GAMBINO with tactical gear and several different types of firearms inside of a residence. These internet posts were located on 12-30-15 and recorded to a DVD.
11. Following a criminal history check SA Leatherwood made contact with San Juan County Courts and discovered that GAMBINO had been previously convicted of two felony

charges on December 06, 1993 (FBI # 545889RA2). GAMBINO's date of birth is 10-06-1972 with a Social Security number of 525-65-2038 (State ID CO946822). The charges are as follows:

Count 1 – Commercial Burglary – contrary to sections 30-16-3 (B), NMSA 1978, a fourth degree felony, and Fraud over \$2,500.00 – contrary to section 30-16-6, NMSA 1978, a third degree felony. GAMBINO was sentenced to 18 months confinement for count 1.

Count 2 – Failure to Appear on a Felony – contrary to section 31-3-9, NMSA 1978, a fourth degree felony. GAMBINO was sentenced to 3 years imprisonment and 2 years parole supervision.

12. The execution of the sentence was suspended and GAMBINO was placed on probation for 5 years.

13. SA Leatherwood also made contact with La Plata County courts in Colorado and discovered that GAMBINO had previously been convicted of a felony charge on September 26, 1997. The charge is as follows:

Count 1 – Menacing – involving a deadly weapon, C.R.S. 18-3-206, class F5. GAMBINO was sentenced to 18 months confinement.

14. In February of 2016, special agents used a ruse to contact GAMBINO via email in reference to hiring GAMBINO for tactical type training. On May 12, 2016, GAMBINO met with undercover agents who were claiming to be associates of the individual who was looking at hiring GAMBINO for tactical type training. The undercover agents interviewed GAMBINO in reference to his qualifications and ability to conduct tactical training. During the interview GAMBINO claimed to be able to provide tactical and firearms training to the fictitious middle eastern company. GAMBINO also claimed to be a combat veteran who had earned medals and ribbons such as the Purple Heart. It was discovered that GAMBINO had fraudulently enlisted in the Marine Corps under his brother's name. After approximately 8 months of service it was reported to the military that GAMBINO had fraudulently enlisted which resulted in a discharge from the military. As of this date agents have not located any records that indicate GAMBINO was awarded the Purple Heart or any combat medals or ribbons.
15. Also on May 12, 2016, while conducting undercover operations GAMBINO stated to the undercover agents that he was carrying a .45 caliber handgun however he left the firearm in his vehicle. GAMBINO also was wearing an empty holster for a handgun on his waist which corroborated the fact that GAMBINO left his firearm in his vehicle. After the interview GAMBINO left the undercover meet and was met outside of the meeting establishment by Special Agent Leatherwood and San Juan County Sherriff Deputies. SA Leatherwood identified himself and asked to speak with GAMBINO away from another individual who had accompanied GAMBINO to the meet. SA Leatherwood asked if GAMBINO was armed and he stated "no". SA Leatherwood then asked if GAMBINO

had any firearms in his vehicle and he stated "Yes". SA Leatherwood obtained consent from GAMBINO to get the firearm from the vehicle. SA Leatherwood confirmed that the firearm was in the glove box as GAMBINO had stated and GAMBINO was taken into custody. It was also noted by other agents that GAMBINO traveled to the meet location alone as the person accompanying him came to the location in his own vehicle. GAMBINO later stated in an interview that he has several firearms at his residence and offered to turn the firearms over to law enforcement. Two rifles and four handguns were later recovered. The firearm recovered from the vehicle was a .45 caliber Springfield XD with serial number US606018. This firearm was not manufactured in New Mexico and therefore crossed state lines.

CONCLUSION

16. Based on the foregoing, your affiant believes that there is probable cause to believe that on or about May 12, 2016, in the county of San Juan, State and District of New Mexico, Anthony Lee GAMBINO, a person prohibited by law, did violate Title 18, United States Code, Sections 922(g)(1) by being Possession of a Firearm or Ammunition and Title 18, United States Code, Section 704 by claiming to be a purple heart recipient in order to obtain financial gain.



Jeremy Leatherwood
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me
This 13th day of May, 2016



~~HONORABLE STEVE YARBROUGH~~ Kirtan Khalsa
United States Magistrate Judge